

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY LC D.C.
05 AUG 11 AM 8:07

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

UNDRAY BRADLEY,

Petitioner,

vs.

T.C. OUTLAW,

Respondent.

X
X
X
X
X
X
X
X
X
X
X

No. 05-2348-M1/V

ORDER CORRECTING THE DOCKET
AND
ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT
OR PAY THE HABEAS FILING FEE

Petitioner Undray Bradley, Bureau of Prisons inmate registration number 02758-025, an inmate at the Federal Prison Camp in Millington, Tennessee ("FPC-Millington"), filed a pro se petition, addressed to the United States Court of Appeals for the Seventh Circuit and entitled "Motion under 28 U.S.C. § 2244," in the United States District Court for the Southern District of Illinois on April 21, 2005. On May 5, 2005, District Judge J. Phil Gilbert issued an order construing the filing as a petition pursuant to 28 U.S.C. § 2241 and transferring it to this district, where the Petitioner's custodian is located. The petition was

docketed in this district on May 9, 2005. The Clerk shall record the Respondent as FPC-Millington Warden T.C. Outlaw.¹

A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). Bradley's petition is not accompanied by either the filing fee or a motion to proceed in forma pauperis.² Accordingly, Bradley is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the filing fee within thirty (30) days of the date of entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to Petitioner along with this order.³ Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 10 day of Aug, 2005.


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

¹ As this filing is a habeas petition, rather than an application to file a second or successive § 2255 motion, the proper respondent is the warden of the prison where the petitioner is incarcerated. See Rumsfeld v. Padilla, 124 S. Ct. 2711, 2718 (2004). The Clerk is ORDERED to remove the United States of America as a party to this action.

² The Clerk of the United States District Court for the Southern District of Illinois sent Bradley a letter, dated April 25, 2005, advising him of the deficiency and notifying him that his case would be dismissed if it were not cured within thirty days.

³ In the interest of expediting this matter, Petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02348 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

Undray Bradley
02758-025
P.O.Box 2000
Millington, TN 38083

Honorable Jon McCalla
US DISTRICT COURT